

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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WADE ALAN KNIGHT,

Plaintiff,

Case No. 3:22-cv-00343-ART-CLB

## ORDER

V.

CITY OF ELKO, *et al.*,

## Defendants.

11           Pro se Plaintiff Wade Alan Knight (“Knight”) brings this action under 42  
12 U.S.C. § 1983. Plaintiff has submitted applications to proceed *in forma pauperis*,  
13 (ECF Nos. 1, 4, 5), and a civil rights complaint (ECF No. 1-1). Before the Court  
14 is the Report and Recommendation (“R&R” or “Recommendation”) of United  
15 States Magistrate Judge Carla Baldwin (ECF No. 6), recommending that: 1)  
16 Plaintiff’s *in forma pauperis* applications (ECF No. 1, 4, 5), be denied as moot; 2)  
17 the Clerk file Knight’s complaint, (ECF No. 1-1); and 3) Plaintiff’s complaint, (ECF  
18 No. 1-1) be dismissed without prejudice, but without leave to amend. Plaintiff  
19 had until September 29, 2022 to file an objection. Plaintiff filed an objection on  
20 September 26, 2022, but the objection did not contain any arguments on the  
21 merits. Instead, Plaintiff explained 1) his lack of access to a law library sufficient  
22 to research *Younger Abstention*; 2) his understanding that Judge Baldwin  
23 ordered the complaint to be dismissed because of his ongoing criminal  
24 proceeding; and 3) his request for a copy of his original complaint. (ECF No. 7).  
25 Because the Court agrees with Judge Baldwin’s analysis as to Plaintiff’s Motions,  
26 the Court adopts the R&R, and will take the recommended actions.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where

1 a party fails to object to a magistrate judge's recommendation, the Court is not  
 2 required to conduct "any review at all . . . of any issue that is not the subject of  
 3 an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*  
 4 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the  
 5 magistrate judges' findings and recommendations is required if, but *only* if, one  
 6 or both parties file objections to the findings and recommendations.") (emphasis  
 7 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that  
 8 the Court "need only satisfy itself that there is no clear error on the face of the  
 9 record in order to accept the recommendation.").

10 Because there is no objection to the merits of Judge Baldwin's Report and  
 11 Recommendation, the Court need not conduct de novo review, and is satisfied  
 12 Judge Baldwin did not clearly err. Here, Judge Baldwin recommends 1) Plaintiff's  
 13 *in forma pauperis* applications (ECF No. 1, 4, 5), be denied as moot; 2) the Clerk  
 14 file Knight's complaint, (ECF No. 1-1); and 3) Plaintiff's complaint, (ECF No. 1-1)  
 15 be dismissed without prejudice, but without leave to amend. (ECF N0.6). Judge  
 16 Baldwin recommends that the Court dismiss Plaintiff's complaint because  
 17 Plaintiff has an ongoing criminal case, and all of the prerequisites of *Younger*  
 18 abstention doctrine are met. (ECF No. 6 at 4). Because Judge Baldwin  
 19 recommends dismissing the complaint, she also recommends the Court deny as  
 20 moot Plaintiff's *in forma pauperis* applications. (ECF No. 6 at 2). The Court agrees  
 21 with Judge Baldwin. Having reviewed the R&R and the record in this case, the  
 22 Court will adopt the R&R in full.

23 It is therefore ordered that Judge Baldwin's Report and Recommendation  
 24 (ECF No. 6) is accepted and adopted in full.

25 It is further ordered that the *in forma pauperis* applications, (ECF Nos. 1,  
 26 4, 5), be denied as moot.

27 It is further ordered that the Clerk file Plaintiff's complaint. (ECF No. 1-1).

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1        It is further ordered that the Clerk send Plaintiff a copy of his complaint  
2 (ECF No. 1-1).

3        It is further ordered that the complaint, (ECF No. 1-1), be dismissed  
4 without prejudice, but without leave to amend.

5        The Clerk of Court is respectfully directed to close this case.

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7        DATED THIS 19<sup>th</sup> Day of July 2023.

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11      ANNE R. TRAUM  
12      UNITED STATES DISTRICT JUDGE

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